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CHARLES

IN THE

Supreme Court of the United States

OCTOBER TERM, 1928

No. 24

MAE SILVER,
Appellant

vs.

BENJAMIN SILVER,
Appellee

STATEMENT OF THE BASIS OF JURISDICTION

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1928

MAE SILVER,
Appellant

vs.

BENJAMIN SILVER,
Appellee

No. 623

STATEMENT OF THE BASIS OF JURISDICTION

Pursuant to Paragraph 1 of Rule 12, the appellant in the above entitled cause hereby submits the basis upon which it is contended that this Court has jurisdiction to review the judgment herein appealed from.

A

The statutory provision relied on is Judicial Code, Section 237 as amended by the Act of February 13, 1925; 43 Stats. 937; Par. 344, Tit. 28 U. S. C.

B

The date of the judgment to be reviewed is September 28, 1928, (R-42). The application for appeal was presented and allowed on the 17th of December, 1928, (R-47 and 48).

C

The judgment of the Supreme Court of Errors of the State of Connecticut (R-42) is final and of the highest court of the State in which a decision could be had. There was drawn in question

the validity of a Statute of the State of Connecticut on the ground that said statute violated the Fourteenth Amendment to the Federal Constitution because it was discriminatory, unreasonable, and deprived the appellant of the equal protection of the laws.

The Trial Court directed a verdict against the appellant (R-8) because of the Statute, Chap. 308 of the Public Acts of Connecticut, 1927, the validity of which is herein questioned, (R-24, 25, and 26). An appeal from the judgment entered on this verdict (R-11) brought to the Supreme Court of Errors of the State of Connecticut, the question of the constitutionality of this statute, where it was urged and decided. (R-32, 33, 34, 35.) Attention is called to the dissenting opinion of Chief Justice Wheeler, concurred in by Justice Haines (R-36 to 41 inclusive). The decision was in favor of the validity of the Statute (R-34 and 42) and adverse to the appellant herein.

D

Cases sustaining the jurisdiction are:

Fox v. *Washington*, 236 U. S. 273.

New Orleans and N. E. Ry. Co. v. *Scarlet*, 249 U. S. 528.

Miedreich v. *Lauenstein*, 232 U. S. 236.

Southern Railway Company v. *Kentucky*, 274 U. S. 76.

Millsaps College v. *City of Jackson*, 275 U. S. 129.

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Attorney for Appellant.